

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 24, 2008. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Claims 1, 7, 8, 11, 13, 17, and 18 have been amended to further define various features of Applicants' invention. Claims 2, 9, 10, 12, 19, and 20 have been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-20 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,491,020 issued to Gary W. Kotchi et al ("*Kotchi*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Claims 1-20 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,988,131 issued to Edward Charles Hernandez et al. ("*Hernandez*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

Claims 1-20 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,979,871 issued to Robert J. Forbes et al. ("*Forbes*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicant amended independent Claim 1 and 11 to include the limitation “*wherein the one housing part being a throttle valve housing and the other housing part being throttle valve housing cover, wherein the throttle valve housing cover and the throttle valve housing exhibit an inclined separation plane in the region of the throttle pipe section such that a throttle valve shaft is mounted in a rotatable and/or pivotable manner on one end between the throttle valve housing and the throttle valve housing cover and only in the throttle pipe section on an opposing end*”

None of the cited prior art discloses this feature. This additional limitation is disclosed in the originally submitted specification, for example on page 3, line 12 to page 4, line 20. Thus, no new matter has been added. Hence Applicants believe that the cited prior art does not anticipate the independent Claims 1 and 11.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

### CONCLUSION


Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants enclose a Petition for Extension of Time for three months and authorizes the Commissioner to charge the amount of \$1,050.00 to Deposit Account No. 50-2148.

Applicants believe there are no addition fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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Date: July 21, 2008

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